



Ninety-Eighth Legislature - Second Session - 2004
Introducer's Statement of Intent
LB 1243

Chairperson: Bob Kremer
Committee: Agriculture
Date of Hearing: February 24, 2004

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The purpose of this bill is to gather data to determine what substances are contained in the commercial fertilizers and soil conditioners that are sold and distributed in Nebraska. It will enable the State to determine whether or not there is a problem in Nebraska with waste-derived products or controlled substances being added to commercial fertilizers and soil conditioners which are sold and distributed in Nebraska.

It also requires labels and labeling of commercial fertilizers and soil conditions so consumers have information regarding the substances that are contained in the products they purchase. People can then make informed decisions on the products they purchase based on the information they have available to them.

The amendments to the Commercial Fertilizer and Soil Conditioner Act (Act) contained in LB 1243 make the following changes:

1. Adds new definitions to the Act for "controlled substance", "hazardous substance," "specialty product" and "waste-derived product";
2. After July 1, 2005, all soil conditioners and commercial fertilizers will have to be registered in the state before they may be distributed;
3. In order to be registered, a 2 pound sample of the product must be submitted for analysis by the applicant to the state laboratory or designated laboratory to determine the concentration of each hazardous waste, controlled substance and metal including, but not limited to, arsenic cadmium, cobalt, lead, mercury, molybdenum, nickel, selenium, and zinc, or other constituent identified by the applicant as contained in the product. The applicant pays for the lab analysis;
4. The registration shall be accompanied by information on labels and labeling for the product and shall be reviewed by the department for conformance with the information in the analysis; Registration expires on December 31st of each year and is not automatically renewed;
5. After submission of the initial sample and registration in Nebraska, sampling analysis from another jurisdiction may be accepted if the report from the other jurisdiction has been issued within 90 days preceding the annual registration expiration date, i.e. December 31st;
6. The semi-annual reports filed by every person who distributes commercial fertilizers or soil conditioners must set forth, by county name, the number of tons of each commercial fertilizer or soil conditioner sold by him or her for use in this state during the previous six-month period.

Principal Introducer:

Senator Don Preister
